

**2009-2010 SENATE NATURAL RESOURCES AND THE ENVIRONMENT  
COMMITTEE ROSTER**

Senator Ross Tolleson, 20<sup>th</sup>  
*Chairman*  
P.O. Box 1356  
Perry, GA 31069

Senator John Bulloch, 11<sup>th</sup>  
*Vice Chairman*  
3554 Bulloch Road  
Ochlocknee, GA 31773

Senator Ralph Hudgens, 47<sup>th</sup>  
*Secretary*  
6509 Hwy 106 South  
Hull, GA 30646

Senator Jeff Chapman, 3<sup>rd</sup>  
P.O. Box 3119  
Brunswick, GA 31521

Senator Bill Cowsert, 46<sup>th</sup>  
*Ex Officio*  
P.O. Box 512  
Athens, GA 30603

Senator Lee Hawkins, 49<sup>th</sup>  
4710 Jim Hood Road  
Gainesville, GA 30506

Senator Steve Henson, 41<sup>st</sup>  
2643 Sterling Acres Drive  
Tucker, GA 30084

Senator Jack Hill, 4<sup>th</sup>  
P.O. Box 486  
Reidsville, GA 30453

Senator George Hooks, 14<sup>th</sup>  
P.O. Box 928  
Americus, GA 31709

Senator Bill Jackson, 24<sup>th</sup>  
P.O. Box 528  
Appling, GA 30802

Senator J. B. Powell, 23<sup>rd</sup>  
*Ex Officio*  
228 Church Street  
Blythe, GA 30805

Senator Freddie Powell Sims, 12<sup>th</sup>  
5377 Goose Hollow Road  
Dawson, GA 31742

Senator Dan Weber, 40<sup>th</sup>  
1117 Wynterhall Lane  
Dunwoody, GA 30338

## **NATURAL RESOURCES AND THE ENVIRONMENT COMMITTEE RULES**

1. These Committee Rules of Operation shall be consistent with Senate Rule 2-1.5 (d) regarding the establishment of Rules of Operation.
2. Quorum of the Committee shall be six (6) members.
3. The Chairman shall have the authority to refer bills and resolutions to be considered and the order in which said measures are considered; the Chairman shall have the authority to call a bill, resolution, substitute or amendment for debate and explanation only.
4. The Chairman shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees in turn shall have the authority to make recommendations on such measures to the full Committee at such time as shall be designated by the Chairman.
5. The Committee shall convene, recess, and adjourn upon the order of the Chairman.
6. A bill or resolution will be considered only after presentation by its principal author or other legislator whom he/she may designate. The principal author shall be the legislator whose name first appears on the list of authors.
7. The Chairman reserves the right to delay action on substitutes and amendments not provided to the Chairman at least 24 hours prior to the hearing.
8. Any member or members of the Committee who disagree(s) with the majority report of the Committee shall be privileged to file a minority report if they so desire.
9. These rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
10. Where these rules are silent on a specific issue, the Rules of the Senate as adopted shall govern. (Senate Rule 2)

## **SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE**

The Senate Natural Resources & the Environment Committee held a meeting on January 27, 2010 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Hawkins of the 49<sup>th</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Sims of the 12<sup>th</sup>

Note: Senators Henson of the 41<sup>st</sup>, Powell of the 23<sup>rd</sup> and Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 3:05 p.m.

Chairman Tolleson thanked everyone for coming and noted that there was a long way to go in planning for the use of our limited water supply in the State of Georgia, but the committee looks forward to helping all of the cylinders of Georgia's engine to be running in such a great and diverse state. Chairman Tolleson introduced the new EPD Director Alan Barnes. Sewell Brumby was present representing Wayne Allen of Legislative Counsel. Chairman Tolleson asked for prayers for Wayne's daughter who has been very ill.

Chairman Tolleson stated that this meeting would be for the purpose of updating the committee on the Water Task Force. He called on Nels Peterson, Executive Counsel to Governor Perdue to speak first to the committee to provide an overview of Judge Paul Magnuson's July 17, 2009 ruling.

Mr. Peterson stated that Judge Magnuson heard several cases that involved parties, all of which had a common question of whether water withdrawal from Lake Lanier was an authorized use. Judge Magnuson determined, based on the Rivers and Harbors Act of 1946, that water withdrawal was not an authorized use of Lake Lanier. He also determined that the withdrawal of 22% of Lake Lanier's water was a violation of the 1958 Water Supply Act as it constituted a major operational change by the Army Corps of Engineers. The Corps currently operates Buford Dam to provide a consistent supply of water for withdrawal downstream on the Chattahoochee River, and Judge Magnuson found this to be

detrimental to hydropower generation, one of the congressionally authorized purposes of the lake, and this current operation therefore exceeded the authority of the Corps.

Judge Magnuson ruled that the interested parties had three years from the date of the ruling to come to an agreement on the operations of Buford Dam and Lake Lanier, at which point all water withdrawals from Lake Lanier, with the exception of the Cities of Buford and Gainesville, must cease. The dam's operation schedule must change to maximize hydropower efficiency, therefore sending much of the river's volume quickly through at peak periods and limiting the availability of water for downstream withdrawals by municipalities in non-peak periods.

As a result of the ruling, Governor Perdue has instituted a four-pronged strategy which includes appealing the ruling, negotiating with Alabama and Florida, seeking congressional reauthorization of Lake Lanier's purposes, and contingency planning in case the first three strategies fail.

Senator Hooks noted that he read the 1946 Rivers and Harbors Act and the 1958 Water Supply Act and it appeared to him that Judge Magnuson ruled correctly. He asked Mr. Peterson how the Governor's office justified disagreement with the ruling. Peterson replied that the explanation behind the 1946 act would take too long and he would address that at another time, but it is certainly reasonable that the current use of Lake Lanier would constitute a major operational change. Georgia's position is that Judge Magnuson's ruling was excessively harsh in that it concluded that since the Corps was currently allowing too much water to be withdrawn, no withdrawals should be allowed. Judge Magnuson should have provided the authority to withdraw some percentage of water that did not exceed the Corps' authority and should not have denied Georgia the opportunity to appeal for a remedy phase. This action in effect made the 1958 Act essentially meaningless.

Senator Hooks commented that the remedy would be through changing federal laws and Peterson explained that the 1958 Act did not include any specific remedies when the Corps' authority has been exceeded and therefore Judge Magnuson fashioned a remedy on his own out of the whole cloth.

Chairman Tolleson thanked Mr. Peterson and introduced John Brock, CEO of Coca-Cola Enterprises and co-chairman of the Governor's Water Contingency Planning Task Force.

Mr. Brock provided an overview of the task force's findings. He noted that the business community and particularly the metro Atlanta area are concerned with this issue. As part of the four prong strategy of Governor Perdue (contingency planning), over 80 members of the business community, conservation groups, legislators and others across the state were exploring what would happen if the first three prongs of the strategy did not work.

Mr. Brock further stated that the Governor challenged these members to analyze the situation as a threat to their business and prioritize the costs and benefits of any proposals. The two main objectives of the task force were to develop a fact base around the issue and define a time-driven action plan for it, and then provide recommendations by December to allow for legislative input this session. Mr. Brock described the structure of the task force and noted that private groups had contributed over \$2 million worth of pro bono work to the effort, including over \$1 million by BCG. The approach of the task force included three key meetings (October 7, November 23, and December 11, 2009) followed by a presentation of recommended options on December 15. A three-step process used input information to define options; evaluate costs and benefits, and then prioritize solutions for recommendations. The contingency plan assumed that reauthorization of Lake Lanier operations or other political solutions altering the Magnuson ruling would not be considered by all other potential options were on the table.

If the Magnuson ruling goes into effect in 2012, there will be a gap of 34% (280 million gallons of water per day) from needed levels. To combat this, we need to conserve the water we have, capture new sources of water, and control the supply of water. While many counties will experience significant shortfalls, Gwinnett, Forsyth and Hall counties will be hit hardest. Given no new action, these shortfalls would likely result in a loss of approximately 10-15% of the metro Atlanta gross domestic product or \$26 to \$39 billion. Metro Atlanta per capita water use is relatively reasonable compared to other regions across the country, and decreased from 164 to 151 gallons/capita/per day from 2003 to 2006. Metro Atlanta also decreased 20% of their normal water supply during the recent drought. Water uses in metro North Georgia include residential, commercial and losses in declining order; a loss rate of 15% shows some room for improvement. The business community's major viewpoints are that the price of inaction is huge and the time for action is now. There is no single magic solution, but use of Lake Lanier remains the best answer for Metro Area water use. In addition to conservation, additional water supplies will be needed to meet shortfalls. Demonstrating pro-activity to Judge Magnuson may buy more time and by 2020, contingency options appear to become more viable.

Chairman Tolleson thanked Brock and the entire task force for their tireless efforts on this issue. He noted that Judge Magnuson drawing a line in the sand was both a good and bad thing as it accelerated problems but forced action. Chairman Tolleson stated he looks forward to making the tough decisions that need to be made to provide long-term solutions.

Chairman Tolleson then introduced Chris Clark, Commissioner, Georgia Department of Natural Resources. Commissioner Clark thanked the members of the task force for the work that they had done and provided a "30,000 foot version" of some of the task force's recommendations. The three dates most referenced are 2012 (at which point the Magnuson ruling would take effect), 2015 and 2020 (significant progress by this point appears possible). The members of the task force each placed recommendations into three categories: no regret, contingency, and unfavorable. These were then reviewed for possible action and divided into four types. Incentive programs (e.g. City of Sandy Springs providing incentives for new buildings to use conservation measures) often revolve around rebates and credits, and the task force is looking to new ways to provide these incentives. Legislative mandates are often similar to incentive programs but allow for more aggressive implementation of conservation policies, while requiring additional enforcement. For agency rulemaking to be effective there is a need to provide accurate, standardized data across the state. There are a number of options for 2015 and 2020 which warrant more study, including interbasin transfers. Of note, piping water back to Gwinnett from downstream in the Chattahoochee would cost approximately \$2.8 billion and plans for new and expanded reservoirs to open by 2020 are estimated at between \$1.7 and \$2 billion. The leadership has been meeting since the report was released and is particularly looking at no regret options at this point, as well as statewide options. They hope to come back soon with legislation to allow input from the committee.

Senator Hudgens asked a question concerning whether interbasin transfers of water from the Savannah River basin to the Chattahoochee basin would be applied to Judge Magnuson's ruling as withdrawals from Lake Lanier. Commissioner Clark said that it could be an issue but water would likely be directly pumped into treatment facilities. Senator Hudgens asked if water from Clayton County would be an interbasin transfer and Commissioner Clark clarified that it would be from the Flint Basin.

Senator Jack Hill asked if the contingency options for 2020 were for expansion of existing reservoirs or construction of new ones. Commissioner Clark said that GEFA had explored the potential for expansion and the report has a list of possibilities for both options. Senator Jack Hill noted that a 2007 resolution to raise the level of Lake Lanier by two feet had been met with resistance.

Senate Natural Resource and the Environment Committee  
Page 5 of 5  
January 27, 2010

Senator Hooks asked if proposed withdrawals of water for interbasin transfer from the lower Flint River Basin would be in violation of the Flint River Drought Protection Act which pays farmers to conserve water. Commissioner Clark noted that such an option was not on the table as a recommendation from the task force. Chairman Tolleson added that the task force was charged with exploring all available options and many were not recommended as viable.

Chairman Tolleson said that members of the committee would get copies of the task force's recommendations. While this issue presents an extremely large challenge, it is important to remain calm and confident in the state's leadership to meet the goals and timeframe of the issue. It is important to allow the state to continue to be dynamic and growing.

There being no further business, Chairman Tolleson adjourned the meeting at 3:54 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 1, 2010 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>

Note: Senators Hudgens of the 47<sup>th</sup>, Powell of the 23<sup>rd</sup>; Sims of the 12<sup>th</sup> and Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 3:03 p.m.

### **SB 303 (Douglas, 17<sup>th</sup>) Wild Animal Permits; pythons and anacondas**

Senator Douglas presented **SB 303**. He stated that while surfing the internet he saw an article regarding a Burmese python which killed a 2 year old in Sumter County, Florida. After some research, he found that both Burmese and Rock pythons had established in the Everglades, perhaps up to 100,000 individuals. These snakes are now competing with alligators at the top of the Everglades food chain. Some of the blame for establishment of these species falls on the aftermath of Hurricane Andrew, which destroyed pet shops and homes, releasing numbers of the snakes into the wild. The other blame can probably be placed with pet owners releasing snakes who have gotten too big or too expensive to keep into the wild.

Senator Douglas stated that he discussed this matter with Dr. Michael Dorcas of Davidson College. He stated that the USGS is currently conducting an experiment in Aiken, South Carolina, to explore climate feasibility of these large snakes. For the past 7-8 months, 7 snakes have been held outside in captivity. Dr. Dorcas says that these snakes are all still alive to this point, even after a recent cold snap. During the same cold snap, some snakes in Florida have died, but others have survived and this may lead to greater adaptability to cold in the species. The natural range of these snakes in Asia reach to the foothills of the Himalayas, so climate may not be a limiting factor to their range in the U.S., which could potentially range across the Southeast up to Tennessee and North

Carolina and out to California. Snakes in the wild are usually not as docile as pets in captivity.

The State of Florida currently has a \$100 per year license fee to possess these types of snakes, and North Carolina is in the process of researching a similar process. SB 303 intends to create a process along these lines to permit five varieties of large snakes. It also requires a microchip to be implanted in each snake for the purpose of tracking the owner in the event of an escape. Senator Douglas worked with the Wildlife Resources Division over a period of several months to craft this legislation and it is an effort to become proactive to prevent a possible future problem. Senator Douglas passed out a photograph of a Burmese python to the committee after his comments to show the size of these snakes.

Chairman Tolleson asked if there was currently any data on wild snakes in Georgia. Senator Douglas responded that while it was currently not a widespread problem, they are still wild animals and as such pose a threat.

Senator Henson asked if the fees of the license would be enough to cover the cost of administration created by the licensing system. Senator Douglas explained that the system is already in place for other species of wild animals and therefore cost would not be a concern. He reiterated that the goal of the legislation was not to ban these animals, but simply to be proactive in discouraging and preventing release of them. Senator Henson asked what the penalty would be for violating this registration requirement. Senator Douglas stated he was not sure.

Senator Chapman asked if it was just a way of tracking the snakes and Senator Douglas said that it was giving a method of checks and balances.

Senator Bill Jackson asked if a permitting process would guarantee public safety from these snakes. Senator Douglas said that the main goal of the permit would be to discourage impulse buying that may have a high risk of eventual release. Senator Bill Jackson noted that we already have regulations to permit ownership of exotic animals and asked if it would be legal to walk dangerous animals such as tigers down the street provided the owner had a permit. Senator Douglas noted that snakes would be under the same permitting process as these other animals.

Senator Bulloch asked if there had ever been an instance of one of these snakes being found in the wild of Georgia. Senator Douglas noted that one had been found, and it was actually north of Senator Bulloch's district. Senator Bulloch questioned whether this was not a case of trying to solve something that is not currently a problem and noted that it would be hard to enforce the new law on existing snakes. Senator Douglas said that he preferred to be proactive and permit these animals before they become a problem.

Senator Hawkins asked if a boa constrictor was different from a python. Senator Douglas said that it was, and boa constrictors are not included in SB 303. The U.S. Fish and Wildlife Service, however, are considering listing them under the Lacey Act as injurious. The proactive involvement of states using this type of legislation may prevent the need for federal involvement.

Senator Bill Jackson asked if this new permitting process would make the public safer. Senator Douglas explained that the only other option to increase public safety would be an outright ban for public possession of these snakes and that was not his intention.

Chairman Tolleson introduced Jason Clark, Chairman of the Southeastern Reptile Rescue, Orchard Hill, Georgia. Mr. Clark explained the nature of his job. He stated that he works with confiscated and surrendered animals and does public education programs on reptiles that reach nearly 250,000 citizens per year. He is also a former law enforcement official. Mr. Clark stated that his first main problem with the bill as it is currently written is the cost. He said that Florida's registration is \$100 per year and he suggested that the fee in SB 303 be reduced to \$236 every two years rather than every year. He also explained that while PIT tags may be inexpensive if bought in bulk, the actual cost to a pet owner to have a tag implanted could be in the range of \$100-\$150. The state does not require PIT tags in any other animal species currently, so there would be an equipment start-up cost for many veterinarians seeking to begin tagging them. Under the existing law for other animals, any information regarding the animal's status must be maintained as current with DNR.

Chairman Tolleson asked Mr. Clark if Florida uses a microchip system for tracking snakes. Mr. Clark stated that they do.

Senator Bulloch asked if a new license would be needed for each snake an individual possessed. Mr. Clark explained that they would not; once an individual had a license, they could possess as many snakes as they wanted. He stated that he believes the new law as written would have the opposite effect as intended, since it may prompt owners to release their snakes to avoid registration fees and/or prosecution for possession of unregistered snakes. While many individuals would prefer to give their snakes to a rescue organization such as SERU in that case, he lacks the funding to implant new animals and would have to direct them to DNR for euthanization of unwanted snakes.

Chairman Tolleson recognized Christina Smith who wished to speak on the subject. She stated that over the past weekend she had attended Rapticon in Gwinnett. She said that business owners are concerned over SB 303. She asked that the committee allow a voice from the business community when considering the bill. She also said that there are disputes over the accuracy of the USGS study in Aiken that has led to news reports on potential range expansion of these snakes.

Dan Forster, Director of the Wildlife Resources Division, Georgia Department of Natural Resources testified on DNR's position on the legislation. His main purpose in speaking was to answer questions about the provisions of SB 303. DNR has an interest in the proactive protection of native wildlife, particularly since there is no way to turn back the clock in the event of a species invasion. Public safety is also a point of interest. When DNR was approached about working up this bill, they looked to the current wild animal law to avoid creating any new layers of regulation.

The cost of the license as the bill is written is \$236 per year, but DNR feels there is room to negotiate the cost of this license. DNR could absorb the workload for the permitting process without any budget increases. The intention is to deal with casual pet owners and prevent liberation of potentially injurious invasive species. A USGS risk assessment identified 9 species of snakes that posed an invasion risk in the United States. The US Fish and Wildlife Service is considering listing these species of the Lacey Act to ban their import and/or interstate trade. Florida is a hotspot of risk for these types of invasions due to their favorable climate and the import trade business in the vicinity. The inclusion of a microchip in each snake merits debate, and DNR's main goal was to facilitate discussion that does not limit this debate.

Chairman Tolleson asked if an amendment to the bill that altered the licensing structure might increase the administrative burden on DNR. Mr. Forster said that it would not and, in fact, might even lighten that burden.

Senator Bulloch asked if the existing wild animal laws that require the owner to purchase insurance would apply to these snakes. Mr. Forster explained that they would not. Chairman Bulloch asked what the penalty would be for violation of the statute. Mr. Forster said that it is a misdemeanor punishable by up to a \$10,000 fine or one year in jail. Mr. Forster stated that DNR's main concern with this law is to facilitate compliance rather than punish non-compliance.

Senator Chapman asked if there would be a benefit to deducting the cost of chip implantation from the first year fee. Mr. Forster said that would be possible but from an administration standpoint a lowered license fee would be preferred.

Senator Hooks noted that if a pet shop is closed or condemned, the state Department of Agriculture is required to feed and care for those animals and asked who would be responsible for these snakes in such a case. Mr. Forster stated that under the current law that does fall to the Department of Agriculture, but under SB 303, it would transfer those five snake species to DNR authority. Senator Hooks asked if there is any evidence of pythons traveling north from Florida. Mr. Forster said not at this point, but the science indicates that climate may not be as limiting a factor to their range as previously believed. DNR's main concern was not to see a similar invasion in Georgia as Florida had from the release of new snakes.

Senator Hawkins asked whether there was any grandfathering in the bill as written. Mr. Forster explained that there was a one year grace period as it is written. Senator Hawkins asked whether the inclusion of a longer grandfather clause would prevent release of the snakes. Mr. Forster said it may, and Florida uses an amnesty day every year to allow individuals to register animals that are in violation of their wild animal laws. Senator Hawkins suggested that a high fee may lead to additional releases and Mr. Forster acknowledged that it might help to look at alternative options.

Senator Bulloch asked if there was anything in the bill regarding an amnesty scenario. Additionally, the Department of Agriculture has expressed concern about wild animals being moved through Hartsfield-Jackson International Airport. He also wondered how to enforce this new law at the airport.

Glenn Dowling, Georgia Wildlife Federation, testified in support of SB 303. He commended the stakeholder process taken by DNR in crafting the bill. Georgia Wildlife Federation's main concern was responsible ownership and accurate reporting, and believed an education period would be good. The bill addresses prevention and/or reduction of the risk of species invasions which is an implementation step for the state wildlife action plans. The main goal is to prevent impulse ownership of these snakes. PIT tags are included as an enforcement portion of the bill and the stakeholders all agreed this was a good step for ensuring responsibility. On a personal note, Mr. Dowling saw a 10'3" Burmese Python on Ichawaynochaway Creek in Terrell County 14 years ago, and also noted that an 11' Burmese Python was found in Griffin recently as well.

Chairman Tolleson suggested that the committee revisit the provisions of the bill to provide a compromise between the interests of DNR, the reptile industry, and the snake owners. People have a right to own these snakes, and any new legislation should ensure that. Chairman Tolleson stated he would like to see some type of grandfathering and a dialogue on micro-chipping.

Senator Douglas said that he had no problem with a 2-year permit or a grace period. He stated he just merely wants a way to keep track of the snakes.

Chairman Tolleson asked that a committee substitute be worked on before the next meeting and appointed Senator Bulloch to work with Senator Douglas on amendments.

There being no further business, Chairman Tolleson adjourned the meeting at 3:56 p.m.

Respectfully submitted,

/s/ Senator Tolleson of the 20th, Chairman

/s/ Vicki Gibbs, Recording Secretary

## **SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE**

The Senate Natural Resources & the Environment Committee held a meeting on February 3, 2010 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex-Officio

Note: Senators Hudgens of the 47<sup>th</sup>, Chapman of the 3<sup>rd</sup>, Cowsert of the 46<sup>th</sup>, Sims of the 12<sup>th</sup> and Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 2:00 p.m.

### **SB 303 (Douglas, 17<sup>th</sup>) Wild Animal Permits; pythons and anacondas**

Chairman Tolleson began the meeting by offering a committee substitute that Senators Douglas and Bulloch had agreed upon. Senator Douglas noted that he had taken the committee's recommendations into consideration and changed the permit to once every two years rather than annually. He also included a grace period for registration until April 1, 2012. This April registration date puts the process in line with other wild animal permits through DNR.

Senator Jack Hill asked whether groups such as the Raptor Center at Georgia Southern would be required to obtain one of these permits. Dan Forster of DNR commented that he believed that group already had a permit and each organization would only be required to obtain a single permit to cover all of their animals.

B.W. Smith of Animal South spoke about his group's views of SB 303. He stated that they are a private education and conservation organization that often works with endangered species. In the case of the 2-year-old that was killed in Florida by a Burmese python, a permit process was already in place, and showed that irresponsible snake owners will still not get permits while responsible ones will. The feral python problem is currently limited to Florida. Miami is a hub for the animal trade and hurricanes in south Florida can produce an influx of a large number of animals into the wild. Typically, large snakes do not survive around people, and Georgia lacks many areas as isolated as the Everglades. Any breeding in Georgia by these snakes would require survival in a concentrated

area with the necessary habitat. He added that even though boa constrictors could potentially expand beyond their native range of south Texas and Mexico, they have not. Another problem specific to Florida is that Burmese pythons are legally protected in the Everglades and this made eradication of them difficult. In his 10 years of work, Mr. Smith stated he has only found one Burmese python outside of captivity in Georgia. The other four species listed under SB 303 have never proven to be a release risk because they are much more expensive on the market.

Further, Mr. Smith said that the USGS study referenced in these hearings that described the possibility of range expansion for pythons was never peer reviewed and as such is not suitable for legislative use. He stated that there are other studies that are currently being held that have totally opposite opinions. Mr. Smith said that the economic impact of this bill would be very high. Reptiles are a \$3 billion per year industry in the United States and that the US Chamber of Commerce suggested that national legislation similar to this would affect approximately 10,000 businesses.

Mr. Smith suggested a number of alternatives to the bill in its current form including only listing Burmese pythons. PIT tags are also unnecessary because DNR already has an inventory system in place with the wild animal law, and the PIT tags are also regularly expelled from animals. If this bill is enacted there is a need for a true grandfather clause for owners that already have these snakes. The fee is cost prohibitive for many keepers and he predicts a low percentage of compliance. He suggested that rather than emulating Florida, the committee should look at the proposed law in North Carolina which emphasizes secure containment, gives a misdemeanor for noncompliance, and does not deal with a permitting system.

Senator Hooks asked for a clarification of Mr. Smith's business. Mr. Smith said that he does mobile exhibitions and actually only owns one species that would fall under the new law. The main purposes of his business are education and entertainment. Senator Hooks asked if he had a license to sell these snakes and he replied that he does have a pet dealer's license, but does not breed any of the listed species. Senator Hooks asked what the cost to feed these snakes on an annual basis would amount to and Mr. Smith replied approximately \$10 per month and consisted of euthanized rats or rabbits as the reptile community generally frown on using live prey.

Senator Bill Jackson asked if there is a sales tax attached to reptile sales and Mr. Smith stated that it is the same as any other Georgia purchase. Senator Bill Jackson asked if the tracking of permits under DNR would move from owner to owner when a snake is sold. Mr. Smith stated that DNR keeps their inventory current, and any changes he wished to make in the ownership of his listed animals requires prior DNR approval.

Aaron Coalson from Lobbyists for Life and Liberty spoke against the bill. He stated that it is a horrible bill and only amounts to a new tax. He said the main issue in play was property rights and that unless an animal has damaged someone's property, there is no need for a fee. He further stated that there has only been one incident with these snakes since 2008 and no reports of harm to any American citizen in the wild from any of these snakes exist. He read a quote from John Adams and explained that while he was not calling Senator Douglas a tyrant, John Adams was.

Jason Clark of Southeastern Retime Rescue returned to state that he was convinced that PIT tagging would have the opposite effect of what the legislation intended. He said that \$236 every two years would still be greater than the feeding cost for one of these animals. He also asked the committee to address the desire of the bill, and should get rid of the microchips as they would probably cost \$8 - \$9 if bought in bulk and require an additional \$200-\$300 in equipment.

Dan Forster of DNR returned to address any questions from the committee. Senator Bulloch asked how the permitting requirement would apply to exhibitors from outside of Georgia. Mr. Forster said that they would operate under the auspices of their own or someone else's license. The process is already there for other wild animals and the license would not be cost prohibitive for those businesses.

Senator Bulloch stated that in his opinion that North Carolina law was a much superior law and he would urge Senator Douglas to look into that law.

Chairman Tolleson stated that the committee would not vote on the bill in its current form and asked Senator Bulloch and Senator Douglas to look at the North Carolina example. Senator Douglas stated that he did not believe the North Carolina legislation was law. Chairman Tolleson noted that he wanted the opportunity to perfect the bill and planned to take a vote in the next meeting.

Senate Natural Resources and the Environment Committee  
Page 4 of 4  
February 3, 2010

There being no further business, Chairman Tolleson adjourned the meeting at 2:39 p.m.

Respectfully submitted,

/s/ Senator Tolleson of the 20<sup>th</sup>, Chairman

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 8, 2010 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex-Officio  
Sims of the 12<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senator Cowser of the 46<sup>th</sup> was absent.

Chairman Tolleson called the meeting to order at 3:05 p.m.

### **SB 303 (Douglas, 17<sup>th</sup>) Wild Animal Permits; pythons and anacondas**

Senator Douglas presented **SB 303** and explained that he preferred a bill that allowed for a permitting and tracking system as provided in the committee substitute presented on February 3<sup>rd</sup>. He stated that he was opposed to a new potential substitute which mimicked proposed laws in North Carolina. Chairman Tolleson stated that SB 303 would be tabled until copies could be run of the original substitute.

### **SR 958 (Pearson, 51<sup>st</sup>) Postpone US EPA effort to regulate greenhouse gases through the Clean Air Act**

Senator Pearson presented **SR 958**. He explained that the resolution urged the administration to allow Congress to decide on the regulation of greenhouse gases rather than an agency such as EPA. The resolution asks Congress to postpone action by EPA because at this time, jobs should be the first and foremost priority. He referenced similar letters by the governors of several states.

Chairman Tolleson clarified that the resolution stated that Congress should vote on this matter rather than the EPA issuing a decision for accountability purposes.

Senator Hooks stated that he did not intend to vote on the issue because he felt such a resolution would not accomplish anything.

Mark Woodall, Sierra Club, testified against the resolution. He stated that if CAP and TRADE or EPA regulations were not acceptable choices, then the only other options were carbon regulations as suggested by former Vice President Al Gore. He stated that maintaining the status quo is a national threat. He noted that Georgia citizens spent \$2.3 billion on coal last year. He suggested that the committee look at Georgia Building Authority's operations as an example of room for improvement. Georgia Building Authority spent 27% of their budget on energy costs last year according to Mr. Woodall.

Lee Lemke, Georgia Mining Coalition, spoke in support of the resolution. He said that it simply recommends to the United States House and Senate that they acknowledge the importance of an issue that impedes development. Mr. Lemke said that this growth is important to the foundation of America.

Senator Bulloch made a motion that [SR 958](#), "**do pass**". Senator Bill Jackson seconded the motion. **SR 958** passed with all members voting in favor of the resolution except Senator Hooks who abstained on the vote.

Note: Senator Weber left the meeting.

Chairman Tolleson called Senator Douglas to finish the presentation on [SB 303](#). Senator Douglas stated that the substitute would bring large constricting snakes under the current wildlife permitting process administered by the Department of Natural Resources. The changes to the original bill allow for a 16 month free period as well as a 2-year rather than a 1-year permit at \$236.

Senator Hudgens asked whether the purpose of the microchip was to locate the owner of the snake or could be used for tracking. Senator Douglas said that the purpose was to go back and locate the owner to identify the problems leading to a released snake.

Senator Hooks asked Senator Douglas' thoughts on using provisions similar to the proposed North Carolina statute. Senator Douglas stated again his opposition and noted that it does not include any types of permits or microchips, and those provisions do not reflect the intent of his original bill.

Senator Hawkins stated that he had an issue with the \$236 fee which could be difficult for snake owners. Senator Douglas responded that \$236 is the standard annual fee under the wild animal permit. Through the committee substitute, this fee would only apply every two years and there would be a free period upon passage to accommodate these owners.

Senator Hudgens asked if there was any estimate on the number of these snakes in Georgia. Senator Douglas explained that there is not and that would be one purpose of the permitting process. He noted that there are approximately 10,000 snakes in the Everglades and the snakes being studied in Aiken, South Carolina for climate adaptability remain alive through the winter. All of the southeastern United States is probably hospitable and cold snaps such as the one recently in South Florida may cause wild snake populations to adapt to the cold.

Senator Bulloch thanked Senator Douglas for working with him on adjustments to the bill, but explained that he still was not sure that a problem existed. He noted that the girl who was attacked and killed in Florida was by an unlicensed snake, and this bill would not have made a difference in her case.

Senator Bulloch made a motion that [SB 303](#) “do not pass”. Senator Powell seconded the motion. The motion tied 5-5, with Chairman Tolleson casting a yeah vote. Those opposed to the motion were Senators Bill Jackson, Chapman, Hawkins, Sims and Jack Hill. **SB 303** did not pass.

There being no further business, Chairman Tolleson adjourned the meeting at 3:30 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 10, 2010 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Hawkins of the 49<sup>th</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senators Henson of the 41<sup>st</sup>, Sims of the 12<sup>th</sup>, and Powell of the 23<sup>rd</sup> were absent.

Chairman Tolleson called the meeting to order at 2:06 p.m.

### **SB 370 (Tolleson, 20<sup>th</sup>) Water Conservation and Water Enhancement**

Chairman Tolleson stated that the meeting would be open to comments on **SB 370** and the committee would vote at the next meeting.

Jason O'Rourke from the Council for Quality Growth, spoke representing a collection of developers and consultants who work for growth and development. The Council for Quality Growth is satisfied with the majority of the task force's recommendations and only has minor concerns with the bill. They are specifically interested in the portion in Section 5 which refers to sub-metering on multi-tenant residential and commercial properties. They feel that all construction should not be required to adhere to the same requirements. They see a need for some flexibility in how property owners can charge tenants, and notes that leases may change over time and these changes would make it hard to account for the sub-metering requirements. He thanked the committee for being supportive of a culture of conservation. Chairman Tolleson stated that the committee recognizes there is some issue with multi-tenant properties and will work on the issue. Mr. O'Rourke noted that many retailers say that markets have actually shifted toward sub-metering so it should not be much of a problem for retail spaces.

Darren Collier with the Georgia Apartment Association provided his group's comments on **SB 370**. He built on the comments of support by the Council of Quality Growth and thanked the legislature and Governor's office for their work on the issue. He stated that they worked with the Governor's office to incorporate changes to the initial draft. The Georgia Apartment Association supports the bill even though it alters their current business model. Their main concerns with the current form of the bill also fall in Section 5, specifically in Subsection D1 (mandatory sub-metering). Many of Georgia Apartment Association's members already develop properties in a manner that uses sub-metering, and it is a clear trend in the industry. As a means of conservation, sub-metering often provides indirect benefits. The apartment industries actually requested the right to sub-meter (for the purpose of billing, not conservation) from the legislature 15 years ago, and after addressing concerns, were allowed to follow through with that plan. Apartment owners work as a go-between with residents and water providers for billing. As such, they must find a cost effective way to provide credit for each resident. By law, they are only allowed to recover the cost of the water billed and cannot add in capital or maintenance costs, though they are allowed to pass along sub-metering fees in Georgia.

Mr. Collier stated that they did not believe that sub-metering is the only possible method for conservation, and that educational forums for residents can provide much better conservation benefits. Mandatory sub-metering is an unrecoverable cost for apartment owners, and the conservation benefits are often indirect and uneven.

Senator Chapman asked for a definition of sub-metering. Mr. Collier explained that there are four methods of billing for water in apartment complexes. The first is to increase rent across the board as water use and prices increase for the complex. Another is to use a direct method that uses an allocation formula from the past year. The RUB system is used in many complexes, which takes the prior month's bill and divides it among the tenants. Finally, a sub-meter system is used for each complex, either through full capture or a hybrid method. Mr. Collier thanked the committee and said that he is looking forward to working with them on this issue in the future.

Jack Dozier of the Georgia Association of Water Professionals spoke for approximately 4,500 members throughout the state. He said that they totally support the bill as written and appreciate the opportunity to be involved in the construction of the bill. He thanked the sponsor for allowing so much input.

Will Wingate of the Georgia Conservancy also spoke in favor of the bill. He thanked the committee for allowing so much input and noted that the bill was off to a great start.

Tom Gehl of the Georgia Municipal Association stated that he appreciated all of the work of the Governor, Department of Natural Resources and the bill's sponsors. He noted that it was a reasonable way to initiate conservation measures and he looks forward to working further on the bill. Chairman Tolleson asked if there were any major concerns with the bill as written and Mr. Gale replied there were not, but that they were looking at some of the outdoor watering provisions.

Chairman Tolleson stated that there would be a full hearing on [SB 370](#) at the next committee meeting on Wednesday, February 17, 2010.

**[SR 859](#) (Hill, 32<sup>nd</sup>) Minerals Management Service Five-Year Plan; Outer Continental Shelf**

Senator Judson Hill presented **SR 859**. He stated that this effort had been initiated during the 2007 session. He said we must advocate for jobs and reduce dependency on foreign energy supplies. This resolution would urge the administration to allow offshore drilling exploration. The Department of the Interior began a process this year to unravel the allowance for five-year leases. He stated that there were no oil spills after Hurricane Katrina because current technology allows for the capping of the well. Senator Judson Hill stated that he was aware of a substitute that Senator Chapman would be presenting.

Senator Chapman stated that his substitute simply added a line on wind energy to the original bill.

Senator Chapman made a motion to adopt the committee substitute to **SR 859**. Senator Bill Jackson seconded the motion and the committee substitute was adopted unanimously.

Senator Bulloch made a motion to adopt an amended committee substitute to **SR 859**. Senator Chapman seconded the motion and the amended committee substitute was adopted unanimously.

Senator Hooks asked Senator Chapman if he was sure his constituents on the coast of Georgia would appreciate this resolution. Senator Chapman said that he felt his constituents appreciated the need to prioritize energy independence. Senator Judson Hill stated that there were also measures in Virginia and North Carolina to actively pursue offshore exploration. Development would be far offshore and there was a desire to get all coastal states on board with the effort. Senator Hooks asked about a comparable situation in Florida and Senator Judson Hill noted that Florida's offshore drilling situation was clearly challenging.

Matt Sawhill representing Atlanta Gas Light Company spoke in favor of **SR 859**. He stated that he agreed with the sponsor and that diversification and an increase of natural gas supply was a good thing. He also said that it would help the state to bring in more revenue. Mr. Sawhill stated that natural gas is a safe, reliable energy source. He believed that this resolution might actually carry some weight and make a difference to Minerals Management Service.

Rick Cobb representing the Georgia Petroleum Council spoke in favor of **SR 859**. He stated that there was a need to increase the production of energy and become energy interdependent. Minerals Management Service released their five-year plans for comment and the comments were 2:1 in favor of offshore development.

Rudy Underwood of the Georgia Chemical Council spoke in favor of **SR 859**. He noted that natural gas is used in the construction of many of their members' products as well as for energy.

Clint Austin of Municipal Gas Authority of Georgia had left the meeting earlier but left a statement giving their full support to the resolution.

Senator Hudgens made a motion that [SR 859](#) "**do pass by substitute**". Senator Chapman seconded the motion. **SR 859** passed by unanimous vote.

There being no further business, Chairman Tolleson adjourned the meeting at 2:49 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on February 17, 2010 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Hawkins of the 49<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Sims of the 12<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senators Henson of the 41<sup>st</sup>, Jack Hill of the 4<sup>th</sup>, and Powell of the 23<sup>rd</sup> were absent.

Chairman Tolleson called the meeting to order at 2:10 p.m.

### **SB 370 (Tolleson, 20<sup>th</sup>) Water Conservation and Water Supply Enhancement**

Chairman Tolleson began the meeting with a section by section summary of **SB 370**. In section one the General Assembly directs the Department of Natural Resources to coordinate with numerous agencies to work toward water conservation and supply. Section two directs that agencies shall examine their practices to provide for conservation and to enhance supply by August 1, 2010. It also encourages these agencies to examine their programs, rules and regulations. Agencies must deliver interim reports by July 1, 2010 to the Lieutenant Governor and Governor and final reports to the General Assembly by August 1, 2010; and on January 11, 2011, 2012, 2013, 2014 and 2015. Section three deals with improving water conservation in public water systems. It directs systems to conduct standardized annual water loss searches. By January 1, 2012, systems with over 20,000 customers must complete a full audit. Section four directs provisions for sub-metering provisions. By July 1, 2012, all new construction must allow for sub-metering on multiunit buildings. Retail and light industrial buildings have separate language that allows some exemptions for common areas. Section five lists requirements for toilets, showerheads, faucets, etc. which must be complied with by July 1, 2012. Section six directs that the board shall amend codes related to industrial cooling towers.

Section seven creates a joint committee on water supply consisting of ten members as follows: five members of the House of Representatives appointed by the Speaker of the House with one being the Chairperson of the House Committee and five members of the Senate shall be appointed by the President of the Senate with one being the Chairperson of the Senate Natural Resources and the Environment Committee. The House and Senate Natural Resources Committee Chairpersons shall serve as co-chairpersons. The committee shall meet on the call of either co-chairperson.

Chairman Tolleson stated that this bill was about conservation and moving ahead with the concept of sub-metering. He stated that he believed this bill would have a long-range, positive impact.

Nels Peterson, legal counsel, Office of the Governor, spoke on the three amendments offered to the bill. The first divided farm use water permits into three types: active, inactive, and unused. Under this new language, an unused permit holder would receive a notice from the Environmental Protection Division Director, at which point they have two years to respond as to their intent for using the permit. After two years of no response the EPD Director would revoke the permit.

The second amendment would allow multiunit residential complex owners to petition for a sub-metering waiver and also ensures that the owner or operator would not be liable for errors made by a third-party billing company.

The third amendment would allow an exemption for municipalities that already direct bill utilities for apartment residents.

Senator Hooks asked Mr. Peterson if he was confident that a certified letter would reach a property owner in the allotted time. Mr. Peterson stated he believed the owner would have the incentive to maintain the value of an agricultural lease by keeping the permit. Senator Bulloch stated that he felt **SB 370** was attempting to address inactivated and inactive permits to allow flexibility for farmers. He further stated that there is a need for an unused category for lands that are sold.

Chairman Tolleson expressed his appreciation to Farm Bureau and the Georgia Agribusiness Council for their work on legislation and he expected it to have a huge positive impact.

Will Wingate of the Georgia Conservancy expressed his appreciation for **SB 370** and said that his group supports both the bill and the current amendments.

Tom Abt, President, Utility Solutions, introduced his company which practices leak detection. He expressed his desire to see a task force on leak detection. He gave examples of his company's work in Tennille and Hapeville, as well as work in Clayton and Douglas Counties. He stated his belief that the state needs new implementation procedures for leak detection. Chairman Tolleson stated that he appreciated the work Utility Solutions does on leak detection. Senator Weber mentioned that the Governor's Water Task Force had looked at options and determined that leak detection was a costly alternative. Mr. Abt explained that using his method, Clayton County turned a \$96,000 investment into a \$0.96 return per gallon. Senator Chapman commented that the EPD had figures for reservoirs and he was looking at a cost/gallon estimate. Mr. Abt said that Clayton County does have estimates and could retrieve them with some research time. Chairman Tolleson asked Mr. Abt to report back to Senator Chapman when he found them.

Eddie Van Giesen with American Rainwater Catchment Systems Association expressed his support for the bill and noted that roof surfaces in metro Atlanta could provide up to 30 million gallons of water per day if the bill had the right incentives added to it. He gave the committee a brief summary of facts and noted that the EPD has changed their codes for rainwater systems. He explained that Guilford County, NC, had saved approximately \$4 million in construction savings using their system. Chairman Tolleson stated that there are many issues that the bill addresses and issues such as this will be addressed by individual agencies going forward.

Jason O'Rourke from the Council for Quality Growth testified in favor of the bill and thanked the Governor, Nels Peterson and the members of the committee for their hard work. He noted that the commercial real estate industry was satisfied with the changes made to the bill's language.

Jeffrey Harvey from Georgia Farm Bureau described the agricultural community's work with the Governor and Chairman Tolleson and explained that Farm Bureau supported the legislation and gave his thanks to the committee. Chairman Tolleson thanked the agricultural community for their quick turnaround on some last minute clarifications.

Senator Bulloch made a motion to adopt the amendments from Farm Bureau. Senator Bill Jackson seconded the motion. The amendments passed unanimously.

Senator Bulloch made a motion to adopt the amendments dealing with the apartments and sub-metering. Senator Bill Jackson seconded the motion. The amendments passed unanimously.

Senator Bulloch made a motion to adopt the amendments from GMA. Senator Hooks seconded the motion. The amendments passed unanimously.

Senator Weber asked if agencies were already addressing farm use and encouraging conservation in that respect. Senator Bulloch stated that there are already programs in existence for that reason. Chairman Tolleson noted that the farming community has already done voluntary metering by hooking their irrigation systems to computers to test efficiency. Senator Bulloch explained that many also used moisture monitors in the field and that there have been many research efforts to improve water efficiency in agriculture. Senator Weber remarked that he was satisfied with the efforts in place to work with agriculture.

Senator Bulloch made a motion that [SB 370](#) “do pass by substitute”. Senator Hawkins seconded the bill. **SB 370** passed by unanimous vote.

### [SB 321](#) (Pearson, 51<sup>st</sup>) Private Reservoirs

Senator Pearson presented **SB 321**. He stated that conservation was the key in working within the “three C’s”. The state does not have enough money to build enough new supply sources for the citizens of Georgia and he did not desire to present anything that would be detrimental to any of the state’s efforts in negotiations. He noted that the General Assembly had already passed bills to streamline reservoir permitting.

Note: Senator Hudgens and Senator Cowsert left the meeting.

Senator Pearson explained a proposed substitute that changed the name of a defined water facility. The bill lets GEFA come up with a short list of sites and then puts out a request for proposals to develop public-private partnerships. It allows unsolicited proposals. There was another drafting change from the original bill. He provided a handout that showed how many private reservoir facilities were working which showed that this is not a new precedent.

Senator Bulloch agreed with Senator Pearson about looking outside the box and asked if some of the facilities on the list were from the same source but different authorities as well as if the bill would still exclude some provisions. Senator Pearson said that it would exclude electrical projects. In attempting to incentivize private investments, their revenue sources could not be limited. He went through some of the provisions of the bill and noted that he did not want too many hurdles or impediments. Senator Weber stated that it looks as if TVA and Georgia Power projects were on the handout but they are more regulated than private. He asked if it was Senator Pearson's intent that there would be other development on these projects. Senator Pearson stated that it was not his intent, but he hoped it would develop in the future. These projects would benefit the next 2 to 3 generations and similar projects are prevalent in other states and countries. He stated it is hard to go out and build a reservoir without a partner for public water supply. There has to be a need for construction to build one of these.

Joe Cook from the Coosa River Basin Initiative testified that the environmental community is not typically in favor of reservoirs being built. He understands the need for them, but the question is where to put them without causing too much harm. Senator Pearson's bill would promote projects similar to a proposed reservoir in Dawson County which he feels is not needed and Dawson County has plans to expand another reservoir. Mr. Cook prefers planning where to put new reservoirs through groups like EPD and water councils. Senator Hawkins asked Mr. Cook what was wrong with private entities making money. Mr. Cook explained that he is fine with private profit; he just does not like unneeded proposals and feels that private companies should have to go through established permitting processes. Senator Hooks noted that there have been reservoirs in the Georgia budget for over twenty years but have never been funded. He asked Senator Pearson if they were all on rivers but Senator Pearson was unsure.

Juliette Cohen from the Upper Chattahoochee Riverkeeper testified that there were several flaws in SB 321. UCR's overall concern is that water would be treated as a public resource. She went over some exemptions in section C-2 and believes that Senator Pearson is incorrect with regard to Lake Lanier being impaired. She said that the factors for evaluating projects were not identified in section C-3 and the sole discretion would be given to GEFA. Section C-5 contains no requirement for private participation and does not require public input once a developer selects a site. Section D-5 contains no statement of what is the need for the projects. She also noted that legislators are not prohibited from being agents for these types of development projects.

Georgia is in a tentative position with neighboring states and this legislation could send the wrong message. Senator Chapman asked a question about public information withholding. Ms. Cohen said that it was addressed in C-5, line 59 on page 2. Senator Bill Jackson asked if UCR is against reservoir building and Ms. Cohen responded that they have no position on reservoir construction, but they are against private entities controlling a public resource with little input. Senator Bill Jackson asked if she believes that private business is good and she said yes. Senator Bill Jackson asked if she believed water is a public resource and she said yes. Senator Bill Jackson asked how rainwater would be treated under the law and Ms. Cohen said she would have to go back and look at the actual language. Senator Bulloch pointed out that Georgia law uses riparian rights.

Todd Edwards with the Association County Commissioners of Georgia stated that his group was not against reservoirs or the concept of partnerships. He commended Senator Pearson on the concepts of this bill, but the ACCG does not support the current bill. He stated that it was their belief that it gives an uneven playing field to private groups with its exemptions. He said that there are no clear input levels for the impact on local governments. The public input process could possibly be bypassed and he urged the committee to ensure proper local input in the process.

Tom Gehl with the Georgia Municipal Association applauded the work of the committee on SB 370 and thanked Senator Pearson for his work on SB 321. He stated that GMA is in the process of evaluating the bill. Their main concerns are its environmental provisions and GEFA's feasibility decisions. Senator Weber asked if he would favor eliminating the exemptions for all public and private reservoirs. Mr. Gehl said that would be a much different discussion. Senator Weber asked about the concerns with GEFA and if GMA was okay with public and private commitments and what input would they want from local interests. Mr. Gehl said all of that is a serious concern for GMA. Senator Hawkins asked if, since most land in Georgia is private, would not private interests have the ultimate control over most water. He wanted to know also if reservoirs could not catch as much water as possible without impeding the flow of rivers and streams. Mr. Gehl responded that they are allowed a reasonable level of use, but asked if private entities should be able to impound and sell that water. Chairman Tolleson asked for clarification if GMA was for or against the bill. Mr. Gehl stated that GMA's official position was that they are still evaluating the bill.

Chairman Tolleson proposed two amendments to **SB 321**. On page 2, delete the end of line 37 starting with “any” all the way to the end of line 41. Also on page 4, delete the end of line 110 starting with “any” all the way to the end of line 114. This would remove the exemptions for private groups that public groups do not receive. Chairman Tolleson remarked that he is not against public-private partnerships but that there should not be an unlevel playing field or to lose focus of the overall mission for the state. There will be many opportunities in the future for reservoir partnerships. It is important to be careful with all water legislation at this time because of ongoing negotiations with Florida and Alabama. Chairman Tolleson stated that removing the exemptions makes that a better bill.

Senator Chapman noted that it was very wise to remove the exemptions but still wondered about a provision for legislators. He also asked about public secrecy provisions. Chairman Tolleson agreed that if there is a public-private partnership, there certainly needs to be a public hearing on the project.

Chairman Tolleson made a motion to amend the bill’s language which was seconded by Senator Bulloch and passed unanimously.

Senator Bulloch made a motion that [SB 321](#) “**do pass by substitute**”. Senator Hawkins seconded the motion. **SB 321 passed** 7-2 with Senator Chapman and Senator Weber voting against the bill.

There being no further business, Chairman Tolleson adjourned the meeting at 4:30 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 8, 2010 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Hawkins of the 49<sup>th</sup>  
Henson of the 41<sup>st</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex-Officio

Note: Senators Cowser of the 46<sup>th</sup>, Jack Hill of the 4<sup>th</sup>, Sims of the 12<sup>th</sup>, and Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 3:04 p.m.

### **SB 437 (Henson, 41<sup>st</sup>) Stone Mountain Memorial Association, Additional Member**

Senator Henson presented **SB 437** which would change the Stone Mountain Memorial Association from 8 members to 9 members and ensure that one member be referred by the Stone Mountain City Council. Senator Henson stated that the Stone Mountain Memorial Association manages the park in a public-private partnership. Because part of the park is within the city of Stone Mountain, there is legitimate interest in the park's operation for the city and they want representation on the board. Under this legislation, the City Council would refer three nominees for the board and the Governor would select one from that group.

Senator Bill Jackson asked if there were already one local member from the metro Atlanta area on the board and Senator Henson answered that there was, but there is no guarantee that they would come from the City of Stone Mountain.

Senator Bulloch made a motion that **SB 437** "do pass". Senator Hawkins seconded the motion. **SB 437** passed by unanimous vote.

**Note:** Senator Jack Hill came into the meeting.

**SB 401 (Seabaugh, 28<sup>th</sup>) Implementation of a Federal Cap and Trade Program**

Senator Seabaugh presented **SB 401** dealing with federal cap and trade efforts. He stated that there is the potential for the EPA to regulate greenhouse gas emissions through the regulatory process rather than doing it legislatively. This bill uses a method similar to the bill on the Real Id act last year where if the federal government attempts to implement cap and trade regulations through federal programs, the Governor and a designee could put a hold on implementation to allow more time for evaluation.

Senator Hooks asked how the state could nullify a federal act. Senator Seabaugh stated that it would not nullify the actions of the federal government; they would just require a comprehensive analysis of their impacts. Senator Henson asked if it would potentially draw federal sanctions for noncompliance. Senator Seabaugh said that he was not completely sure but the bill follows the same methods as the Real Id legislation passed last year and, so far, there have been no constitutional issues brought up there. Senator Hooks asked if Senator Seabaugh had a legal interpretation of this opinion and he replied no. Senator Hooks asked for an opinion from Sewell Brumby of Legislative Counsel. Mr. Brumby replied that there could potentially be a concern with lines 37-39. Senator Seabaugh noted that other states are passing similar legislation and the Real Id act actually affected federal policy where this does not. Senator Hooks stated that he had no problem with the bill's intent, but he did not understand the need to spend state tax money defending it against lawsuits. Senator Seabaugh stated that obviously the state would make the decision on implementation at the appropriate time.

Chairman Tolleson stated that he understood the desire of the committee to remove the lines causing concern. Senator Seabaugh stated that he would respect any committee actions on SB 401. Chairman Tolleson said that if the bill moved on as is, he would ask for an interpretation of the language and Senator Seabaugh agreed. Senator Hooks asked for an interpretation from one of the state's law schools and Senator Seabaugh agreed. Senator Hawkins asked if the bill would allow the Governor to delay implementation and Senator Seabaugh said yes. Senator Hawkins asked if it would be the state's choice whether to continue delaying implementation in the face of sanctions. Senator Seabaugh said that it would. Senator Chapman asked what would happen if a county passed a similar ordinance nullifying state laws. Senator Seabaugh said that they would likely have their charter removed under state law the next session of the General Assembly. Senator Chapman then read a ruling by David Barton declaring similar "null and void" laws unconstitutional.

Senator Hudgens made a motion that [SB 401](#) “do pass”. Senator Bill Jackson seconded the motion. **SB 401** passed 9-1 with Senator Henson casting the opposing vote.

### [SB 380](#) (Pearson, 51<sup>st</sup>) Expansion of Existing Reservoirs

Senator Pearson presented **SB 380**. He stated that this legislation seeks to allow for the expansion of existing reservoirs. He said that GEFA conducted a survey of the potential for both new and expanded large supply reservoirs. They screened these down and identified new sites. There are 13 permitted reservoirs that are still currently under construction. The state of Georgia needs more reservoirs to provide water and this bill would allow GEFA to make loans and grants for expansion of existing ones. These expansions would still have to follow existing codes and criteria.

Chairman Tolleson asked if there was funding for grants and loans within the bill's prescribed time period. Senator Pearson stated that there is money that is revolving back from other loans but he did not know a specific figure. Chairman Tolleson asked about the dates in the bill. Senator Pearson stated that there would be dates for issuance and then the awards would follow. After those dates, the legislature would have to come back and readdress the concept. The initiative in SB 380 is to help facilitate expansion of existing reservoirs.

Senator Hawkins asked why there should be an end date locked into the legislation. Senator Pearson replied that it was to create a sense of urgency for these projects after they find out which projects are realistic.

Senator Henson stated that everything could already be done by GEFA and wondered why the timeline is the main focus. Senator Pearson replied that there are more details than current operations. Senator Henson stated that he appreciated the sentiment but the dates may limit the feasibility of the projects with only a month's time period to get them in. Senator Pearson noted that awards would be contingent on funding and appropriations. Senator Henson asked if there were any Corps of Engineers issues. Senator Pearson said that an award simply means that an agency has endorsed the project.

Chairman Tolleson asked Phil Foil, Director of GEFA to address the funding issue. Director Foil stated that he appreciated Senator Pearson's work. He said that GEFA currently does not have a lot of funding available, somewhere around \$24 million in the revolving loan fund. Chairman Tolleson asked if these funds were from bonds and Director Foil replied that they were.

Senator Hudgens asked if the bill was only to expand and increase existing reservoirs. Senator Pearson stated that the point was to identify “low-hanging fruit” but there was no desire to exclude other projects. Senator Hudgens asked if the way to expand was to raise the lake levels and Senator Pearson replied that it was.

Chairman Tolleson noted that this legislation focuses on short-term rather than long-term goals and Senator Pearson said that the main advantage was in permitting. Senator Hooks asked if this impacted any plans to sell loans from the Georgia Fund. Chairman Tolleson was not clear on that issue as well. Senator Jack Hill stated that the Georgia Fund issue was part of the Governor’s budget for securing loans.

Senator Hawkins asked if this bill would allow for expansion of the new Glades Shoals reservoir in Hall County and Senator Pearson stated that it would only apply to existing lakes.

Senator Chapman offered an amendment that would add the term “within the same river basin” to line 18. Senator Pearson stated that he would prefer the existing language because he would rather not co-mingle it with the existing interbasin transfer language. Chairman Tolleson noted that this bill would already have to abide by existing interbasin law. Senator Chapman said that his language would simply clarify that. Senator Pearson pointed out that there are 19 permitted interbasin transfers in Georgia and that language could prevent other opportunities in the future. Chairman Tolleson asked about language that would not prohibit transfers but would require returns to the source basin. Senator Pearson described how Forsyth and Hall Counties want to work together on projects and interconnectivity is crucial to get water to the people that need it.

Senator Hawkins made a motion that [SB 380](#) “do pass by substitute”. Senator Jack Hill seconded the motion. **SB 380** passed by a vote of 9-1 with Senator Chapman casting the opposing vote.

There being no further business, Chairman Tolleson adjourned the meeting at 3:40 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## **SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE**

The Senate Natural Resources & the Environment Committee held a meeting on March 10, 2010 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Henson of the 41<sup>st</sup>  
Hooks of the 14<sup>th</sup>

Note: Senators Chapman of the 3<sup>rd</sup>, Hawkins of the 49<sup>th</sup>, Jack Hill of the 4<sup>th</sup>, Jackson of the 24<sup>th</sup>, Powell of the 23<sup>rd</sup>, Sims of the 12<sup>th</sup>, and Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 2:05 p.m.

### **SB 402 (Tolleson, 20<sup>th</sup>) Land Conservation Program**

Chairman Tolleson presented **SB 402**. He requested that Curt Soper of GEFA speak to the bill. Mr. Soper stated that there is a loan program for land conservation that is used as a tool. This bill would allow bridge loans with private conservation agencies when the intent is to eventually transfer properties to the government.

Chairman Tolleson asked if the state does not currently have the money, could a private group buy such property. Mr. Soper stated that they could, but this bill would help them avoid losing money on their land deals. Senator Henson asked if any groups were expected to utilize these bridge loans. Mr. Soper said that groups like the Trust for Public Land and the Nature Conservancy regularly use similar programs. Senator Bulloch asked if these groups have bought property for the state in the past. Mr. Soper gave an example of a property called Silver Lake.

Senator Hooks made a motion that **SB 402 “do pass”**. Senator Hudgens seconded the motion. **SB 402** passed unanimously.

Senate Natural Resources and the Environment Committee  
Page 2 of 2  
March 10, 2010

**SR 1094 (James, 35<sup>th</sup>) Use of Alternative Fuels**

Senator James presented **SR 1094**. She stated that this urges the pursuing of alternative fuels in Georgia. She said that it would provide energy security through the use of alternative fuels. The main impediment now is the lack of their availability at service stations. Encouraging the use of alternative fuels would promote job growth and public health. This resolution is consistent with federal mandates and the Governor's energy challenge. She stated that she had offered zero waste legislation previously. Senator James stated she wanted to promote alternative fuels based on Chairman Tolleson's legislation in 2009.

Senator Henson made a motion that **SR 1094 "do pass"**. Senator Bulloch seconded the motion. **SR 1094** passed unanimously.

There being no further business, Chairman Tolleson adjourned the meeting at 2:13 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on March 17, 2010 in room 450 of the State Capitol at 2:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Henson of the 41<sup>st</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senators Jack Hill of the 4<sup>th</sup>, Hawkins of the 49<sup>th</sup>, Sims of the 12<sup>th</sup> and Powell of the 23<sup>rd</sup> were absent.

Chairman Tolleson called the meeting to order at 2:05 p.m.

### **SR 973 (Heath, 31<sup>st</sup>) Federal Cap and Trade Legislation**

Senator Heath presented **SR 973**. He stated that there has been much discussion in Washington, D.C. on cap and trade legislation. This resolution attempts to state the facts and address misinformation. It asks Congress to use sound science if addressing cap and trade concepts. He asked that the committee accept a substitute to change line 37 to remove the word "Georgia" and transmit it to the entire Congressional delegation. Wayne Allen of Legislative Counsel suggested replacing the word "Georgia" with "each member of Congress".

Senator Bulloch made a motion that **SR 973 "do pass by substitute"**. Senator Hudgens seconded the motion. **SR 973** passed by unanimous vote.

### **SB 474 (Thomas, 54<sup>th</sup>) Possession of Native Wildlife accidentally killed by a Motor Vehicle; Running Bears with Hunting Dogs**

Senator Thomas presented **SB 474**. This bill would allow bears, deer and other native wildlife accidentally killed by motor vehicles to be kept by the drivers. Currently a vehicle-killed bear requires notification to the DNR. This bill would save taxpayers money and the DNR is in support of the bill according to Senator Thomas. There is also a section that prohibits running bears with dogs in counties that do not have a dog hunting season for bears.

Senate Natural Resources and the Environment Committee  
Page 2 of 7  
March 17, 2010

Dan Forster, Director of Wildlife Management for the Georgia Department of Natural Resources, stated that the part of the bill concerning dog hunting was a review of an old law. The season for dog hunting of bears exists near the Okefenokee Swamp, not in the mountains. The law currently does not prohibit dog training anywhere, though, and training can disrupt many other activities in areas without dog hunting seasons. Many of the problems from this training are perpetuated by residents of other states that do have bans on the training of bear dogs.

Glen Dowling of the Georgia Wildlife Federation testified that GWF supported both the bill and DNR's efforts.

Chairman Tolleson asked for clarification about whether GDOT would need to change any regulations. Mr. Forster said there was no reason for any additional clarification.

Senator Bulloch made a motion that [SB 474](#) "**do pass by substitute**". Senator Chapman seconded the motion. **SB 474** passed by unanimous vote.

Note: Senator Hawkins came into the meeting.

#### **[SB 490](#) (Tolleson, 20<sup>th</sup>) Hazardous Waste; amend certain definitions**

Chairman Tolleson spoke to **SB 490**. He stated that this bill would change pollution regulation dates to 2010 and bring the state in line with federal regulations.

Mark Smith, Land Protection Branch Manager, Georgia Department of Natural Resources, Environmental Protection Division, stated that the bill would simply update the list and would not change any regulations.

Senator Bulloch made a motion that [SB 490](#) "**do pass**". Senator Hawkins seconded the motion. **SB 490** passed by unanimous vote.

**SB 442 (Weber, 40<sup>th</sup>) Water System Interconnection, Redundancy and Reliability Act**

Senator Weber presented **SB 442** stating that this bill deals with the interconnectivity of water supply systems. He said that he had worked with utilities and the Lieutenant Governor's office on this bill which would call for a study in metro North Georgia on interconnectivity looking at two areas: (1) immediate emergency capabilities (35%) and (2) long-term capabilities (65%). It would look into sharing among metro water districts. An intermediate date in the legislation would require a report. The possibilities of terrorism as well as water availability changes make such legislation necessary. Senator Weber then discussed the bill line by line with the committee.

Chairman Tolleson pointed out a need to consider GEFA's workload under their current budget. Senator Weber responded that GEFA would provide oversight but would not be heavily burdened under this legislation. Chairman Tolleson asked who the funding authority would be for the technical panel. Senator Weber said that there would be funding available within GEFA. Russell Carlson from the Lieutenant Governor's office added that he understood loan funds are available from GEFA for this purpose. Chairman Tolleson asked what the end date would be and Senator Weber replied 2011. Senator Chapman asked if there was a reason not to include private systems in the study.

NOTE: Senator Sims came into the meeting.

Juliet Cohen, Upper Chattahoochee Riverkeeper, stated that the group she represented was concerned that the base study on water demand relied on the 2009 forecasted numbers. Since Georgians have adjusted their water use due to previous drought conditions, those projections may have changed. This inconsistency could potentially hurt the tri-state negotiations and there needs to be a solution that allows for the water forecast to be updated.

Senator Hooks stated that he was under the impression that there were no emergency plans in place. Ms. Cohen responded that the metro district requires plans. Senator Weber challenged the idea that this was legislation that was quickly drafted and stated that he had held a number of meetings on this issue.

NOTE: Senator Jack Hill came into the meeting.

Chairman Tolleson acknowledged the need to update the water forecast. Ms. Cohen stated that she was concerned the 2009 forecast could limit flexibility. Senator Henson remarked that her comments made sense and asked if Senator Weber would be willing to look at a plan that updates the projections. Senator Weber responded that he wants to require a plan that assumes more demand and that the 35/65% numbers are simply estimates. Senator Henson asked if the value of these numbers would have any effect on the state's water negotiations and Senator Weber stated that he did not think they would. Ms. Cohen added that though the bill may have good intent, Georgia does not want it to look like a water grab. Upper Chattahoochee Riverkeeper, according to Ms. Cohen, would prefer that the bill at least be flexible and reflective of the situation.

Senator Weber stated that if the bill were to say anything about Lake Lanier, it might affect water negotiations with Alabama and Florida but the bill does not refer to any body of water.

NOTE: Senator Sims left the meeting.

Senator Hawkins made a motion that [SB 442](#) “do pass by substitute”. Senator Hudgens seconded the motion. **SB 442** passed by unanimous vote.

### [SB 486](#) (Tolleson, 20<sup>th</sup>) Administrative Law Judges, Deference

Chairman Tolleson presented **SB 486**, stating that this bill would give deference to experts who work in technical fields by administrative law judges on technical issues.

Hutton Brown with Greenlaw stated that he was in opposition to the bill because he believed it would undermine the administrative process. He gave a description of de novo law which he believes is fair and impartial. Once an ALJ makes a decision, everyone must abide by it. Giving deference tilts the scale toward agencies in a hearing. He said that this bill is in response to a single case over permitting a coal-fired power plant in Early County. The case was overturned on appeal because an ALJ deferred to EPD scientists.

Senator Hooks asked if this was simply a bad decision by an individual judge and Mr. Brown said he believed it was. Chairman Tolleson asked if anyone ever made errors under de novo law; Mr. Brown said not based on the actual law. Chairman Tolleson argued that deferring on a technical point would not necessarily sway a case unfairly. Mr. Brown responded that it would go a long way to swaying it and there are already many hurdles in the review process.

Chairman Tolleson respectfully disagreed and asked if the appeals court did not rule against the power company. Mr. Brown said they did not because only one specific issue was overturned on appeal.

NOTE: Senator Sims came into the meeting. Senator Jack Hill left the meeting.

Gil Rogers, Southern Environmental Law Center, spoke against the bill, reiterating the process of ALJ appeals. He said that changing this process would make permit challenges virtually impossible, and that not all questions are entirely technical since there may be some legal ramifications mixed into the process.

Senator Henson asked about the status of the Early County case. Mr. Rogers said he believed it was being sent back to the ALJ. Senator Henson asked if the change would affect anyone other than DNR and Mr. Rogers stated no. Senator Henson asked if there were any other states that had a split among their agencies on de novo law; Mr. Rogers responded that there were not. Senator Cowser asked if ALJ's hear issues from all agencies. Mr. Rogers said that they do. Chairman Tolleson asked how an appeal could be stacked against the challenger, yet still de novo. There was no reply.

Patricia Barmeyer, King and Spalding, spoke in favor of the bill. She stated that the General Assembly has vested EPD and other agencies with overseeing the permitting process. The bill simply provides that an ALJ can give some deference to technical experts. In the 1970s, the DNR board actually heard permit appeals and requested the ALJ process. In 1994, Georgia created a comprehensive office of State Administrative Hearings. DNR is currently the only state agency where an ALJ renders the final decision. Under state law, the petitioner has the burden of evidence. It is hard for an ALJ to fast track a decision (required by law) without giving some deference to agency experts. The bill simply clears up the confusion in the law.

NOTE: Senator Hudgens left the meeting.

Senator Henson asked if they could anticipate an ALJ ruling. Ms. Barmeyer said they were waiting on a decision. Senator Hooks asked if she was speaking about the Early County case and Ms. Barmeyer said she was. Senator Cowser asked how an appeal case could ever win with deference provisions. Ms. Barmeyer said that there are plenty of examples in permit cases, and the law would not require an ALJ to give deference, it would simply allow it. Many other states and the federal government use similar processes.

Senator Cowsert asked what would happen if Senator Bulloch filed for a watering permit with EPD and was denied. Ms. Barmeyer pointed out that it would not mean that EPD experts would always win.

Rudy Underwood, Georgia Chemistry Council stated that they were in favor of the bill, noting that they support keeping science in cases as much as possible.

Alan Barnes, Director Georgia Environmental Protection Division, Georgia Natural Resources Department, stated that they were in favor of the bill. He said that he believes that many of the concerns about the bill are wrong and the presumption is that the agency acted appropriately. Mr. Barnes said that it is his belief that the final decision of an agency should give deference to that agency's experts and that other states allow agencies to make final decisions. Senator Henson stated that a qualified agency expert would obviously get deference in a judge's ruling but why is there a need to put it into a statute. Mr. Barnes responded that the problem is that appeals are fast tracked in Georgia. He noted that the standard is lower than the federal system.

Senator Bulloch made a motion that [SB 486](#) "do pass". Senator Hooks seconded the motion. **SB 486** passed by a tie vote of 4 – 4, with Chairman Tolleson voting yes to break the tie. The opposing votes were Senators Chapman, Cowsert, Henson and Bill Jackson. Senator Weber recused himself.

### **[SB 166](#) (Pearson, 51<sup>st</sup>) Jekyll Island State Park Authority Lease**

Senator Pearson spoke to **SB 166**. He stated that this bill would require Jekyll Island leases to fall in line with the fair market value for the area.

Senator Chapman asked how the latest offer to Jekyll Island residents would compare to this new value. Senator Pearson said he was not privy to that information. Senator Chapman pointed out that there are no comparable leases in Glynn County for resort property.

NOTE: Senator Hooks left the meeting.

NOTE: Senator Hudgens came into the meeting.

Senator Pearson stated that he was not sure if there was comparable property or if it was really necessary.

NOTE: Senator Sims left the meeting.

Senate Natural Resources and the Environment Committee  
Page 7 of 7  
March 17, 2010

Senator Chapman said that the bill forces the Jekyll Island Authority to use a new formula and there is a long process that is already in place for lease renegotiations. Even though residents are not obligated to consider a new lease until 2049, many already are doing so. He stated it was his belief that this bill would throw a wrench into the process. Senator Pearson said that some leases are only for 4/10 of 1% of market value and this bill would bring those in line. The average lease is close to \$334 per year. He stated he was open to language that would address fair market value. Senator Chapman said that the Jekyll Island Authority has proposed a new lease that would meet those terms.

Senator Chapman made a motion that [SB 166](#) “do not pass”. Senator Henson seconded the motion. The motion failed by a tie vote of 4-4, with Chairman Tolleson casting the tie breaking vote. Senators Hudgens, Cowsert, Hawkins and Bulloch were opposed.

Senator Cowsert stated that the history of the leases was to generate water and sewer revenue. The current situation makes that impossible. Chairman Tolleson asked that if the motion passes, he would like to see Senator Chapman and Senator Pearson work together to make agreeable changes because he understands Senator Chapman’s concerns. Senator Bill Jackson stated that he was supporting Senator Chapman in the vote out of friendship.

Senator Hudgens made a motion that [SB 166](#) “do pass”. Senator Cowsert seconded the motion. **SB 166** passed by a tie vote of 4-4, with Chairman Tolleson casting the tie breaking vote. Senator Weber, Henson, Chapman and Bill Jackson voted in opposition to the legislation

There being no further business, Chairman Tolleson adjourned the meeting at 3:50 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on April 12, 2010 in room 450 of the State Capitol at 3:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Henson of the 41<sup>st</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Sims of the 12<sup>th</sup>

Note: Senator Lee Hawkins resigned his Senate seat on March 23, 2010 and would therefore no longer be a member of this committee.

Note: Senators Jackson of the 24<sup>th</sup>, Powell of the 23<sup>rd</sup> and Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 4:00 p.m.

### **HB 1199 (Rep. Smith, 70<sup>th</sup>) Natural Resources, authority to arrange volunteer services**

Representative Smith introduced **HB 1199**. She stated that this bill would allow a 501c3 corporation to donate to DNR. Many people like to give to other 501c3 organizations and neighboring states already allow corporations to donate to their DNR programs. The bill would restrict donations for interests of DNR board members and would be mostly for educational purposes while restricting land-holding.

Chris Clark, Commissioner of the Department of Natural Resources, spoke in favor of the bill and noted it was a way of thinking outside the box. He said it would allow DNR to work with many educational nonprofit organizations.

Representative Smith described the bill. In Section 1, the bill simply adds to the DNR board's authority. Representative Smith said that the meat of the legislation begins on line 70 where it describes how to set up a foundation. There was a clear desire to draw distinct lines on donations and they further defined what a 501c3 could and could not do.

Senator Chapman asked if this idea was mirrored after other states and Commissioner Clark replied that it was standard for other Georgia agencies and that Florida and other states use the same plan.

Representative O'Neal stated that he believed that the language of the bill needed to be changed just slightly to be able to stand legally.

Senator Hudgens made a motion that [HB 1199](#) "**do pass**". Senator Hooks seconded the motion. **HB 1199** passed by unanimous vote. Chairman Tolleson will carry this bill on the Senate floor.

**[HB 1206](#) (Rep. Maddox, 127<sup>th</sup>) Water Well Standards; Require Contractor License**

Representative Maddox spoke to **HB 1206**. He stated that it would make it a requirement that only licensed contractors could drill geothermal boreholes. This bill is intended to protect groundwater supplies. Holes are usually between 200-400 feet deep. Currently, any non-licensed out of state contractor can drill geothermal boreholes.

Senator Henson asked why this should not be expanded to everyone drilling into the aquifer. Representative Maddox said that the code is already explicit; it just lacks a provision for geothermal boreholes.

Senator Bulloch asked if a license is required for companies that drill coring samples. Representative Maddox explained that would be under the direction of a professional geologist or engineer. Senator Bulloch noted that there could be a potential for groundwater contamination under that process. Bruce Widener, Widener and Associates, reaffirmed that core drilling must be performed under the direction of a certified geologist.

Senator Hooks made a motion that [HB 1206](#) "**do pass**". Senator Jack Hill seconded the motion. **HB 1206** passed by unanimous vote. Chairman Tolleson will carry the bill on the Senate floor.

**HB 1298 (Rep. Benton, 31<sup>st</sup>) Hazardous Waste; Provisions with Federal Regulations**

Representative Benton spoke to **HB 1298**. He stated that this bill would update a list of hazardous materials so as to make the terms consistent with federal regulations in effect in 2010. Without this update, the state could potentially face dual regulation by both EPA and EPD. Chairman Tolleson stated that a similar bill had already passed the committee and the full Senate.

Jim Ussery, Assistant Director Georgia Environmental Protection Division, stated that the lead poisoning prevention act had been added as an amendment. It makes Georgia equivalent with federal law and applies to facilities with lead-based paint from before 1978 and provides for education for renovation and repairs.

Senator Henson noted that he carried a similar bill in 1994 and that this change is necessary to stay within compliance.

Senator Bulloch made a motion that **HB 1298** “do pass by substitute”. Senator Sims seconded the motion. **HB 1298** passed by unanimous vote. Senator Henson will carry HB 1298 in the Senate.

**HB 1058 (Rep. Lane, 158<sup>th</sup>) Weakfish**

Representative Lane presented **HB 1058**. He stated that this bill would change the bag limit on weakfish from 6 to 1. He said the Atlantic States Marine Fishery Commission regulates federal fisheries and made a similar change. There are very few of these species in Georgia and the bag limit was kept at 1 to prevent penalties if an angler mistook this fish for a speckled trout. This change is made in cooperation with other states to preserve larger fisheries. The weakfish is a species related to drums and speckled sea trout.

Senator Hooks mentioned that he had caught fish all of his life and he had never seen a weakfish. He wanted to know how he could distinguish one. Representative Lane stated that there is a description included in the Georgia fishing regulations.

Senator Jack Hill made a motion that **HB 1058** “do pass”. Senator Hooks seconded the motion. **HB 1058** passed by unanimous vote. Senator Bulloch will carry HB 1058 on the Senate floor.

**HB 1000 (Rep. Allison, 8<sup>th</sup>) Seasons and Bag limits; bears; change limits**

Representative Allison presented **HB 1000**. He stated that this bill is an omnibus wildlife resources bill. He said that there are four main components in his bill. The first would change the black bear bag limit from 1 to 2. The second would allow hunters 16 years of age and younger to use any firearm during the primitive weapons season. The third would make it unlawful to export, farm, or sell freshwater turtles in the state; stating that their populations are decreasing and the consensus of opinion is that this is due to demand in Asian markets. Finally, DNR would have the authority to regulate wildlife sterilization practices for management purposes.

Senator Bulloch offered a committee substitute to HB 1000 which would put definition in the OCGA protecting existing hunting operations across the state. Senator Henson asked if, under the change, hunting operations would not be subject to any liability if they were compliant with Title 17. Senator Bulloch said he did not read the language that way. Wayne Allen, Legislative Counsel, said that if the activity in question related to lawful hunting activities, there could be a gray area.

Dan Forster, Director Wildlife Resources Division, Georgia Department of Natural Resources, stated there has been similar language to the substitute offered by Senator Bulloch applying to shooting ranges. Other facets of the bill are from previous authors. Director Forster stated there is a need for additional youth hunting opportunities. There is also a need to regulate freshwater turtles through an advisory board. The state's bear population offered an opportunity to increase hunting chances. Finally, he stated, EPA recently approved a whitetail deer fertility drug and current code does not give DNR authority to regulate its use. Senator Hooks asked if it was true that the state of Georgia has 8% of the world's freshwater turtles. Director Forster replied that he was not sure of the numbers, but Georgia's population is very diverse and includes approximately 35 species.

NOTE: Senators Jack Hill and Sims left the meeting.

Chris Clark, Commissioner of the Georgia Department of Natural Resources, briefly described Senator Bulloch's substitute. Senator Bulloch asked if this would circumvent the DNR board and Commissioner Clark replied that the board only works with legislation that has already passed; their reason for existence is strictly to establish game and fish regulations, for instance.

NOTE: Senator Henson left the meeting.

Natural Resources and the Environment Committee  
Page 5 of 6  
April 12, 2010

Glen Dowling, Georgia Wildlife Federation, stated that his group supports all attributes of HB 1000 and would support Senator Bulloch's substitute.

Senator Bulloch made a motion that [HB 1000](#) "do pass by substitute". Senator Hudgens seconded the motion. **HB 1000** passed by unanimous vote. Senator Bulloch will carry HB 1000 on the Senate floor.

### [HB 207](#) (Rep. Sims, 169<sup>th</sup>) Off-road Vehicles

Representative Sims presented **HB 207**. He stated this bill covers off-road vehicles operating in rivers and streams which can be damaging to the stream and river beds. There is a problem in some areas with ATV's running in these beds and ruining the fishing and fish habitats. This is an issue in South Georgia when the rivers get low as well as in the North Georgia Mountains. This is a clarification of the legislation presented the previous year because of concerns about the definition of navigable streams. There are exceptions for crossing perennial streams and ephemeral ditches are not included in the legislation. There are also exceptions for farm machinery, law enforcement and fire vehicles, hunting and fishing, and other legitimate purposes.

NOTE: Senator Henson returned to the meeting.

Dr. Doug Tarver of Douglas, Georgia, requested to speak to the legislation. He told the committee that he is the shareholder in a club that is dealing with ATV problems and he is concerned about property rights. He is afraid that if individuals or groups make the effort to put land into conservation easements, they could be liable for damages done by trespassers.

Mr. A.J. Strickland of Patterson, Georgia, also requested to speak stating that he lives on the Satilla River and has watched the river go downhill for over 30 years. Now, partly due to ATV use, it seems to be declining more rapidly. He stated that HB 207 is important for the state and would help protect popular redbreast fisheries.

Commissioner Mike Edgy, Brantley County Commission, spoke on the problems that Brantley County continued to have with four-wheelers that are costing them and other counties money. He asked for support for an amendment to the legislation allowing for a fine over \$25 because their statute calls for a higher one. He added that he believes this a significant private property issue.

Natural Resources and the Environment Committee  
Page 6 of 6  
April 12, 2010

Wayne Allen, Legislative Counsel, explained that he could craft a change to the current substitute that would put language from the previous year's Senate committee substitute back in. It would change the penalty from a criminal to a civil one. Senator Chapman offered an amendment that would change the value of the civil penalty.

Glenn Dowling, Georgia Wildlife Federation, spoke in favor of the legislation and would like to see Senator Chapman's amendment adopted.

Kevin McGrath, Georgia Trout Unlimited, stated that they were also in support of the bill and the amendment. He stated that ATV use was a significant problem in North Georgia trout streams where Georgia Trout Unlimited has done numerous habitat projects.

Senator Henson made a motion that [HB 207](#) "**do pass by committee substitute**". Senator Chapman seconded the motion. **HB 207** passed by unanimous vote. Senator Goggans will carry the legislation on the Senate floor.

There being no further business, Chairman Tolleson adjourned the meeting at 5:15 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on April 14, 2010 in room 450 of the State Capitol at 4:00 p.m.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Powell of the 23<sup>rd</sup>, Ex-Officio  
Sims of the 12<sup>th</sup>

Note: Senators Henson of the 41<sup>st</sup> and Weber of the 40<sup>th</sup> were absent.

Chairman Tolleson called the meeting to order at 4:30 p.m.

### **HB 1359 (Rep. Channell, 116<sup>th</sup>) Best management practices; required buffer along state waters; provide exception**

Representative Channell presented **HB 1359** which would grant a variance on stream buffers from EPD for lakes Sinclair and Oconee for the construction of seawalls. EPD and Georgia Power are both in favor of the bill. It was unclear as to whether a seawall could be built without passage of this bill. This bill passed the House 166-0.

Senator Jack Hill made a motion that **HB 1359** “do pass by substitute”. Senator Bill Jackson seconded the motion. **HB 1359** passed by unanimous vote. Senator Grant will carry the legislation on the Senate floor.

NOTE: Senator Henson came into the meeting.

### **HB 367 (Rep. Knight, 126<sup>th</sup>) Boat shelters on High Falls Lake**

Becky Kelly, Director of Georgia State Parks, presented **HB 367** by the request of Representative Knight. She stated that this bill was to allow permitting and fees for docks and boat shelters on High Falls Lake. She said it was a good housekeeping bill and will ensure the quality of the lake for residents.

Chairman Tolleson asked if the lake was maxed out on lots. Ms. Kelly said it mostly was, but it was also maxed out on permitted docks. Chairman Tolleson asked if the new ones would come under existing code and Ms. Kelly said that they would.

Senator Jack Hill made a motion that [HB 367](#) “do pass”. Senator Hudgens seconded the motion. **HB 367** passed by unanimous vote. Senator Chance will carry the legislation on the Senate floor.

**[HB 1059](#) (Rep. Nix, 69<sup>th</sup>) Solid waste management; permits for handling, disposal, or treatment; change provisions**

Representative Nix presented **HB 1059**. He stated that this bill deals with solid waste disposal. Originally, there were two main parts to the bill. The first was allowing landfills to accept yard trimmings; this portion was dropped because the EPD director had concerns. The other would allow landfill operators to establish composting and recycling facilities with a minor modification to their permit whereas a major modification is now required. This bill would make things easier on local government and landfills, according to Representative Nix and it is a bipartisan, permissive idea.

Steve Levitan, owner of Pull-a-Part and a member of the Georgia Recyclers Association stated that he had some concerns. He worked on the study committee for the solid waste act in the past. He requested one amendment regarding concerns on the distinction between recovered materials and solid waste. He said that the inclusion of the term “recovered materials” in the bill blurs a bright line in the current law. He urged a change in this language in two places to avoid doing harm to the recycling industry.

Senator Henson asked if the concern was with the term “waste” and Mr. Levitan said that was one of them because it damages distinctions. Having a list of specific materials confuses the definition.

NOTE: Senator Weber came into the meeting.

Senator Chapman asked Mr. Levitan exactly how he would want the bill to read and Mr. Levitan gave recommendations for deletions.

Chairman Tolleson asked EPD director Allen Barnes about EPD's position on the bill. Director Barnes said that EPD supports the bill and that the definitions would not harm EPD's position in any way. Chairman Tolleson stated that if the current language did no harm, then he saw no reason to change it. Director Barnes said that he would also not be opposed to the change if the committee felt otherwise.

Senator Hooks asked if deleting the definition would harm the intent of the bill. Director Barnes said that it would not. Senator Hooks asked what would happen if it was left in. Director Barnes said that the interpretation is the same but it could lead to a dispute. He would not view either definition differently.

Senator Weber requested the code definition and Director Barnes read it. Senator Weber noted that they were focusing on the term "recovered materials" and would rather leave the interpretation to EPD. Chairman Tolleson remarked that was why he was asking EPD. Senator Weber commented that conservative attorneys could argue the point. Director Barnes acknowledged that possibility and striking the definition could prevent it. Senator Hooks offered an amendment to change the language. Chairman Tolleson asked Director Barnes if the amendment would affect the intent of the bill. Director Barnes said it would not and it might actually clarify the intent. The amendment would decrease the likelihood of the legal disagreement and would simply reference the existing definitions. Chairman Tolleson asked Representative Nix his opinion on the amendment and he deferred to Director Barnes.

Senator Weber offered an improvement to the Hooks amendment that left definition references in the language. Wayne Allen, legislative counsel, stated the existing definition would cover it to satisfaction.

Senator Hooks made a motion to adopt his amendment and Senator Hudgens seconded the motion. The motion carried by unanimous vote.

Senator Powell presented an amendment on methane gas production that would prevent municipalities from requiring the purchase of methane as a condition of solid waste contracts. Representative Nix stated that he had no issue with the amendment because it did not change the intent of his original bill.

Senator Powell made a motion to adopt his amendment and Senator Henson seconded the motion. The motion carried by unanimous vote.

Senate Natural Resource and the Environment Committee  
Page 4 of 4  
April 14, 2010

Senator Chapman made a motion that [HB 1059](#) “do pass by substitute”. Senator Bill Jackson seconded the motion. **HB 1059** passed by unanimous vote. Chairman Tolleson will carry the legislation on the Senate floor.

There being no further business, Chairman Tolleson adjourned the meeting at 5:08 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

## SENATE NATURAL RESOURCES & THE ENVIRONMENT COMMITTEE

The Senate Natural Resources & the Environment Committee held a meeting on April 20, 2010 in Room 450 of the State Capitol at 12:00 noon.

The following Senators were present:

Tolleson of the 20<sup>th</sup>, Chairman  
Bulloch of the 11<sup>th</sup>, Vice-Chairman  
Hudgens of the 47<sup>th</sup>, Secretary  
Chapman of the 3<sup>rd</sup>  
Cowser of the 46<sup>th</sup>, Ex-Officio  
Henson of the 41<sup>st</sup>  
Jack Hill of the 4<sup>th</sup>  
Hooks of the 14<sup>th</sup>  
Jackson of the 24<sup>th</sup>  
Sims of the 12<sup>th</sup>  
Weber of the 40<sup>th</sup>

Note: Senator Powell of the 23<sup>rd</sup> was absent.

Chairman Tolleson called the meeting to order at 12:05 p.m.

### **HB 406 (Rep. Coan, 101<sup>st</sup>) State Service Delivery Strategies; Limitation of Funding Exception**

Representative Coan introduced **HB 406**. He stated that this bill deals with service delivery agreements for the proposed Bear Creek Reservoir in South Fulton County. He agreed to amendments to be proposed by Chairman Tolleson. Chairman Tolleson noted that the amendments define the service delivery area in South Fulton and the time of application. Senator Bulloch asked if all of the Bear Creek Reservoir was within the Atlanta service delivery area. Chairman Tolleson said that the amendment would limit the service delivery area to the existing area in March 2010.

John Miller, Mayor of Palmetto, said that the bill deals with a glitch in the law for the South Fulton Reservoir Authority. He said it was his city's desire to provide water rather than to buy from Atlanta. The project is being held up by EPD. He stated that SB 406 would not affect Atlanta's bond rating or court-ordered reservoir fixes. He urged the committee to act favorably toward the bill.

Kasim Reed, Mayor of Atlanta, said that Atlanta was working hard for a fair compromise but must be careful because they are under a federal consent decree. They need time to speak with their bondholders before supporting any legislation. Chairman Tolleson said that the legislature was trying to find ways to come up with more water sources in the state and asked Mayor Reed to go back to the bondholders and ask their opinion. Mayor Reed said they had already allowed South Fulton to go to the Army Corps of Engineers and that process will take 3-5 years. The future value loss of water delivery to the affected areas may be more than the current revenue levels. Mayor Reed stated that it is his desire to work toward a fair deal.

Mayor Reed introduced Robert Hutchinson of the water department to speak to the specifics of the bill. Mr. Hutchinson said that the bill deals with service delivery to the future customers of Atlanta.

Senator Hooks said the bond issue is worse than it used to be, and asked Mayor Reed to revisit the bond issue. Mayor Reed noted that Atlanta has gone from being a polluter to being a city of full compliance. The debt from the investment leading to that cleanup is bonded and Atlanta already has the highest water rates in the United States. A reduction in the need for Atlanta to deliver water is good for water availability but not for city revenue. Mayor Reed said it was his desire to reduce debt to relieve the burden on Atlanta's customers.

Harold Reheis, Joe Tanner and Associates, spoke to the bill representing South Fulton Water Authority. He said that reservoirs allow a community to grow without adversely affecting downstream users. He referred to figures included in the committee folders. The project would install a pump from the Chattahoochee River and would stay within areas on Fulton County sewers that return to the Chattahoochee, so there would be no interbasin transfers. This would be an indirect re-use of treated wastewater. If Judge Magnuson's ruling holds up, this reservoir would be an important tool for metro Atlanta.

Chairman Tolleson asked if Atlanta services any areas outside of Fulton County and Mr. Reheis said they do. He asked if they serve any other river basins and Mr. Reheis said they do. Chairman Tolleson expressed his concern for the state's economy and creating new water supplies. He does not want to pit Atlanta against other communities but he wants the best policies in place going forward. He is more concerned about a year from now and urged the committee to act on the bill favorably. He said he prefers to help the whole state rather than just the City of Atlanta.

Senator Hooks asked for more detail on the part about pumping water out of the Chattahoochee. Mr. Reheis said that the reservoir would be filled from both Bear Creek and the Chattahoochee. Chattahoochee water would be pumped from the river to the foot of the dam to maintain flows in the lower stretch of Bear Creek at a maximum rate of 6.5 million gallons per day. Senator Hooks said he wanted to be sure that developers are not behind this reservoir. The three mayors from the South Fulton area present stated they came up with the idea and that it had nothing to do with development potential. Mr. Reheis noted that the South Fulton Water Authority has been buying land around the proposed lake and would require a 150 foot buffer, but they have no control over what happens with outside properties.

Senator Weber noted that the Governor's Water Task Force, of which he is a member, looked at many alternatives last fall and indirect re-use was one of the most attractive options. This project would be an important first step in that direction and provides an intelligent and creative approach. He acknowledged that Atlanta may experience some disruption, but it would likely be very minimal.

Senator Henson asked Chairman Tolleson to allow Juliet Cohen, legal counsel for Upper Chattahoochee Riverkeeper, to speak. She stated that she had been following the project closely and reminded the committee that the bill had failed on the Senate floor last year. She said that Bear Creek Reservoir had not been selected as a priority project last year by the task force but nearby Dog River was on the list. She said that Alabama and Florida had submitted strong comments on Bear Creek Reservoir and that the project sent a message that Georgia plans to store more and more water in the future. She noted that there would be a large amount of water lost to evaporation in the lake. Also, the city negotiations on delivery agreements are under the watch of a federal judge who could view this project negatively.

Senator Chapman asked how much time the City of Atlanta has had to address the committee substitute. Chairman Tolleson replied that he could not say for sure. He said that the amendment brings definition to the area covered for the City of Atlanta and believes new reservoirs will probably be necessary in the future. Mr. Hutchinson said they had received the substitute shortly before the meeting and since there is a change that alters part of Atlanta's service area, the federal judge likely would not react well to it. Senator Chapman asked if Union City specifically desires sovereignty through their own reservoir and their mayor replied that they did. Senator Weber stated that indirect water use is an attractive option because it presents the least legal challenges.

Senate Natural Resources and the Environment Committee  
Page 4 of 4  
April 20, 2010

Senator Hudgens made a motion that [HB 406](#) “do pass by substitute”. Senator Bill Jackson seconded the motion. **HB 406** passed by a vote of 6-4 with Senators Chapman, Hooks, Sims and Henson opposing. Chairman Tolleson will carry the legislation on the Senate floor.

There being no further business, Chairman Tolleson adjourned the meeting at 1:48 p.m.

Respectfully submitted,

/s/ Senator Hudgens of the 47<sup>th</sup>, Secretary

/s/ Vicki Gibbs, Recording Secretary

July 8, 2010

Mr. Robert Ewing  
Secretary of the Senate  
353 State Capitol  
Atlanta, GA 30334

Dear Mr. Ewing:

The following bills remained in the Senate Natural Resources and the Environment Committee at the close of the 2010 session.

[SB 71](#)  
[SB 203](#)  
[SB 276](#)  
[SB 311](#)  
[SB 424](#)  
[SB 462](#)  
[SB 473](#)  
[SB 489](#)  
[SB 492](#)  
[SB 522](#)  
[SR 1486](#)  
[HB 262](#)  
[HB 1094](#)

Respectfully submitted,

/s/ Vicki Gibbs  
Recording Secretary